REMARKS

Claims 1-10 are rejected under 35 USC 102(b) as being anticipated by Whittman et al US Patent 3,059,952. The Examiner holds that Whittman et al shows all of the claimed subject matter in Figs. 1-6 of the reference. Reconsideration of the Examiner's holding and allowance of claims 1-10 is requested for the following reasons.

The Whittman et al patent discloses a restraining device for preventing car doors from opening which includes the two suction cups 11, each having a boss 13 with a chain member 25 connected therebetween. The chain 25 is the structural member which connects the suction cups 11 together (line 71, Col. 1 to line 5 Col. 2) and functions to prevent the doors from accidently opening. Protective sleeve 27 surrounds a portion of the chain 25 and appears to be composed of a flexible fabric material. The sheath 27 is not connected structurally to the suction cups or bosses and does not function as a restraining member. A support member 14 extends from the interior of the suction cup 12 through the boss or shoulder 13 and supports a valve assembly 19. The terminal link on each end of the chain 25 surrounds a protruding end of the support member 14 and is held in place by the nuts 26. Rigid guide member 32 is also located in the protruding end of the support member 14 and serves to guide the valve stem 24 within the hollow tube portion of the support member 14. With this arrangement, it appears that the end link of the chain 25, when clamped between the nuts 26 is prevented from moving relative to the support member 14. The support member 14, since it operates as a valve chamber for a valve 20 and reciprocating valve stem 24 with its guide 32, is not designed to flex in any sense of the word. Flexing of any section of the support member 14 would serve to unseat the valve 20 and destroy the vacuum pressure holding the suction cups 11 in place. While the chain 25 is made up of flexible links, it is not elastic. The fabric cover 27, although flexible, is not elastic and is not connected in any

fashion to the support member 14. The support member 14, terminal link on the chain 25 and the nut members 26 comprise a rigid group of elements. When in operation these elements do not flex and cannot function in combination with the chain 25 in the manner being recited in applicant's claims.

The Examiner has rejected claim 1 under 35 USC 102(b), holding that Whittman et al shows all of the claimed subject matter. This holding is in error and reconsideration is requested. As pointed out , the support member 14 of Whittman et al is not a semi-rigid shaft but is in fact a rigid tubular element as evidenced from its design function. Likewise, the connector recited in applicant's claim 1 includes four separate elements as an integral construction. These elements include a semi-rigid shaft portion, stop means for limiting travel of the shaft through the bore in the boss, a terminal end connector spaced from the shaft for connection to the structural member and a reduced cross sectional extent located betwwen the shaft and the terminal end connector. Whittman et al does not disclose such a structure. To include the terminal link of the chain 25 as the terminal end of the support member 14 and the fabric sheath 27 as a structural member in the sense claimed by applicant, is not supported by the Whittman et al disclosure. There is, in fact, no terminal end connector on the shaft 14 spaced from the shaft by a reduced cross section extent which functions as a flexible or living hinge between the shaft and the terminal end connector. Except for the indication from the drawings that the sheath 27 is composed of a fabric material, there is no indication as to the composition of the support member 14. The Examiner's statement that the reduced cross sectional extent of the support member 14 forms a living hinge between the shaft portion and the terminal link of the chain 25 is a misinterpretation of the disclosure of the reference. Reconsideration and allowance of claim 1 is therefor respectfully requested.

Regarding claim 2 , the comments concerning claim 1 apply to dependent claim 2 with

the further distinction that the sheath 27 does not comprise "structural" member in the sense recited in the claim. The sheath is not elastic and it does not pass over the terminal end of the support member 14 or any portion thereof. As aforementioned, the cross hatching referred to by the Examiner does not indicate, in any sense, the composition of either the suction cup, the support member 14 or the sheath 27. Reconsideration and allowance of claim 2 is respectfully requested.

Regarding claim 3, the connector pin is recited as an integral construction having four elements or portions, namely; the shaft portion, stop means, terminal connector and a reduced cross sectional extent located between the shaft portion and the terminal connector. The reduced cross sectional extent functions as a living hinge. As explained above, these elements are not present in an integral construction in the support element 14 of Whittman et al and neither is the claimed function of these elements. Reconsideration and withdrawal of the rejection of claim 3 under 35 USC 102(b) is respectfully requested.

Regarding claim 4, the entire flexible strap restraining device is recited which constitues both base members as well as the hollow tubular elastic strap attached at each end to one of the base members by means of the novel connector pin structure. The Examiners's reference to the terminal link of chain 25 as being the terminal connector portion of the pin or support member 14 is not warranted. Additionally, the identification of the sheath 27 of the reference as being the restraining device is in error since it is merely a covering that protects the suface of the car doors from the chain 25, see Col. 2, lines 32-33. The support member 14, as previously explained does not include the elements of applicant's connector pin as clearly recited in claim 3 or their claimed functions. The claim clearly recites the structural member as being a hollow tubular elastic strap and further recites the terminal end of the strap as passing over the terminal

connector of the pin in a snug fit for gripping action as described in the specification. For these reasons, reconsideration and allowance of claim 4 is respectfully requested.

With regard to claims 5-7, the remarks submitted relative to claim 4 equally apply to these dependent claims. In addition, claim 5 clearly recites the terminal connector on the connecting pin as having a right circular cylindrical surface and the elastic strap as having an inside diameter sized for snugly engaging the tubular connector to thereby grip the surface of the connector. Claim 6 recites the connector pin as comprising a semi-rigid unitary molded plastic body. Contrary to the Examiner's statement, there is nothing in the Whittman et al patent to indicate that the support member 14 is composed of a molded unitary plastic body with the claimed physical configuration. Reconsideration and allowance of claims 5-7 is respectfully requested.

The above remarks relative to claims 1, 3 and 4 apply equally to claim 8. In addition, the boss is recited as including a central longitudinal axis extending normal to the base cavity and the through bore as extending normal to the longitudinal axis. This relationship is not shown in the Whittman et al patent since the support member 14, which the Examiner equates to applicant's pin 13, extends along the longitudinal axis of the protruding boss 13. Additionally, the relationship between the tubular elastic strap which results in the gripping action, enhanced upon tensioning the elastic strap, is not taught by Whittman et al. Claims 9 and 10 further distinguish over the reference in the recitation of the connector pin as having a right circurlar cylindrical surface with the tubular elastic strap having an inside diameter sized for snugly engaging the cylindrical surface of the terminal connector. Claim 10 calls for a semi-rigid unitary molded plastic body which is not taught by Whittman et al.

Claims 11-13 are submitted for the purpose of more adequately describing applicant's

invention in the scope to which it is entitled. These claims contain the basic features recited in claims 1 and 2 and distinguish over the Whittman et al reference for the reasons explained relative to claims 1 and 2. In addition, these claims recite the boss as having a transverse bore through which the connector pin extends and recite the function of the reduced cross sectional extent as transmitting multi-directional loads to the shaft portion of the connector pin. The Whittman et al patent does not disclose either of these features. Additionally, claim 13 further recites the position of the reduced cross sectional exent as being outside of the bore in the boss and between the shaft and the terminal end connector for the purpose previously explained. Since the Whittman et al reference has no hinged section in the support member 14, these claims are not anticipated by Whittman by et al. Consideration and allowance of claims 11-13 is therefor respectfully requested.

All of the remaining claims in this application define over the prior art of record for the reasons explained and early allowance and passage to issue of this application is respectfully requested.

Respectfully submitted,

Gary L. Byers

By _____
Carl G. Dowrey
Reg. No 20,067

Dowrey Rickards PLLC
19119 North Creek Parkway
Suite 106
Bothell, WA 98011
425-487-3222